(*a*) an office of a Parliamentary Secretary or a Parliamentary Under-Secretary,

(*b*) an office which is not a whole-time office remunerated either by salary or by fees."

അതുപോലെതന്നെ ഇൻഡ്യൻ പാർലിമെൻറിൽ അവതരിപ്പിക്കപ്പെട്ടിട്ടുള്ള ബില്ലിൽ എടുത്തുപറഞ്ഞിട്ടുള്ള ഔദ്യോഗികസ്ഥാനങ്ങൾ നോക്കുകയാണെങ്കിൽ മുഴുവൻ സമയവും ഉപയോഗിക്കാത്ത ഉദ്യോഗങ്ങളും ഉൾപ്പെട്ടിട്ടുണ്ടെന്നു കാണാം. അതിനാൽ ഈ മൂന്നാംവകുപ്പ് ഈ ബില്ലിൽ ഉണ്ടാകേണ്ടതു് ആവശ്യംതന്നെയാണു്.

The question that clause 3 stand part of the Bill, was put and carried

The clause was added to the Bill

Clause 1 and Preamble

The question that clause 1 and preamble stand part of the Bill, was put and carried

The clause 1 and the preamble were added to the Bill

The question that the title of the Bill stand part of the Bill, was put and carried

The title was added to the Bill

Sri. P. K. Krishnankutty Menon : I move that the Bill be passed.

Sri. G. Chandrasekhara Pillai: I second it.

Sri. P. S. Nataraja Pillai : I want only to record my objection to this Bill. It is not equitable. It ought not to find a place in our Statute Book.

The question that the Bill be passed was put and carried. The Bill was passed

Report of the Committee of Privileges

Sri. T. T. Kesavan Sastri : I beg to present the report of the Committee of Privileges of the Travancore-Cochin Legislative Assembly dated 2nd April 1951, in respect of the alleged breach of privilege by certain newspapers.

Sri. D. Gnanasigamoni : Sir, I move as an amendment that the question be recommitted. My reasons for recommittal are straight and simple. Two questions were referred to the Committee of Privileges. They were:

1. whether the comments made in *the Desabhandu* of the 9th April 1950 under the caption വിമർശനവിധി, നിയമസഭയിലെ രംഗങ്ങൾ, സ്പീക്കറുടെ കടമ, did not constitute a breach of privilege of the House,
2. whether the comments made in *the Vanchibhoomi* of the 17th April 1950 and reproduced in *the Bharati* of the 18th April 1950 against an hon. Member of the House did not constitute a breach of privilege.

Now there are 'four points' which are to be observed in drawing up a report by the Committee. They are set out in the rule relating to the question of privileges, *i.e.*, Rule 65. The Rule reads thus:

"The Committee shall examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit."

With these in view, if we examine the report that is presented, we find that we have only the recommendation of the Committee in it. The real questions for

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[Sri. D. Gnanasigamoni]

decision are not in the report. They have not said whether a breach of privilege has been committed, the nature of the breach, whether it is serious or light and the circumstances leading to it. They say:

> "The Committee of Privileges met in the Legislative Chamber on 31st January and 20th February 1951. The points referred to the Committee were considered and the Committee's recommendation is that regard being had to the long time that has elapsed after the publication of the articles complained of it is better to drop the whole matter."

So the point referred to the Committee has not been answered by it. And my submission is that it is not in conformity with the rule relating to this matter. They say the points referred were considered. Where are they? If they were considered, that ought to be in the report itself. We can even go to the extent of saying that the points were not considered at all. They have also not set out the case. None of these things have been done. They have merely made a recommendation, that is only doing one of the four things mentioned in the rule. I submit that, therefore, this is not a proper report.

Then they say:

> "The Committee want to take this opportunity to bring to the notice of the House, that there is no law on the Statute Book enabling the House or the Speaker to take action against persons guilty of contempt of the House. This is a matter which requires to be looked into immediately by Government."

I am sorry to see that the Committee did not look into the provision in the Constitution of India relating to the matter. Article 194 applies to cases like this. Sub-clause 3 to that Article reads thus:

> (3) In other respects, the powers, privileges and immunities of a House of the Legislature of a State and of the members and the committee of a House of such Legislature, shall be such as may from time to time be defined by the Legislature by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of the members and committees, at the commencement of this Constitution."

That is to say, until the law in this behalf is framed by a State Legislature, the law obtaining in the House of Commons in England shall apply. This article corresponds, word for word, to article 105 of the Constitution relating to the members of the Parliament of India.

There was recently a similar incident, in the Parliament of India. Action was taken against Mr. Moudgil for contempt of the House. The last portion of the resolution which was moved by the hon. the Prime Minister of India reads thus: ".....and further that the terms of the resignation letter he has given to the Deputy Speaker at the end of his statement, constitutes a contempt of the House" So that when the Committee says that there is no law on the Statute Book on the matter, I submit that it is an incorrect statement. Therefore my submission is that the Committee has not answered the question referred to it, and that under the very rules under which they have been functioning, their report is wrong. Therefore I move that the question be recommitted.

Sri. A. P. Udayabhanu: May I ask a point of clarification? The hon. Member Sri. Gnanasigamoni was saying that action was taken against Moudgil. He was a Member of Parliament so it was possible to expel him from Parliament. But here steps have to be taken against persons who are not within the jurisdiction of this House. It is an entirely different case. What course of action does the hon. Member suggest in this case?

Sri. D. Gnanasigamoni: I will answer that. Mr. Moudgil handed over his resignation to the Deputy Speaker and it was said that the resignation took effect

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from that moment. Therefore the original resolution of the Prime Minister of India was amended and that amended resolution was moved on the assumption that he ceased to be a member of the House and that his resignation letter constituted a contempt to the House. It is a clear case of contempt of the House. It is therefore a case of action against a person who is no longer a member of that House. There is no doubt on that point. This case is a clear case for the position that this House has jurisdiction over those who are not members of the House.

Sri. A. P. Udayabhanu: What is the exact punishment that you can mete out to a person who is not a member of the House and over whom this House has no jurisdiction at all?

Sri. P. K. Krishnankutty Menon: Sir, I oppose the motion for the recommitttal.

ബഹുമാനപ്പെട്ട മെമ്പർ മിസ്റ്റർ ജ്ഞാനശിഖാമണി കാൺസ്റ്റിറ്റ്യൂഷനിലെ ഫൻ ർ–ാം വകുപ്പ് ചൂണ്ടിക്കാണിച്ചു പറഞ്ഞിട്ടുള്ളതു് ശരിതന്നെയാണു്. ഈ നിയമസഭയിലെ പ്രിവിലേജസ് കമ്മിറ്റി സമർപ്പിക്കുന്ന റിപ്പോർട്ട് സഭ ആലോചിച്ചതിനുശേഷം പ്രിവിലേജിനെതിരായി പ്രവർത്തിക്കുന്ന ആളുടെമേൽ സഭ എന്തു നടപടി എടുക്കാമെന്നുള്ളതിനു് ഒരു നിയമം ഇല്ലാതിരിക്കുകയാണു്. ഒരു നിയമം ഇല്ലാതിരിക്കുന്നിടത്തോളംകാലം ഹൗസ് ഓഫ് കാമൺസിലെ പ്രൊസീഡ്യൂവർ തന്നെയാണു് തുടരേണ്ടതു് എന്നുള്ളതു് ഞാൻ സമ്മതിക്കുന്നു. സ്റ്റാൻറിംഗ് ഓർഡറിലെ ന്യ ൪–ാം വകുപ്പനുസരിച്ചു് പ്രിവിലേജസ് കമ്മിറ്റി ഒരു റിപ്പോർട്ട് സമർപ്പിക്കണമെന്നുമാത്രമേ പറഞ്ഞിട്ടുള്ളൂ. റിപ്പോർട്ട് അവതരിപ്പിച്ചു കഴിഞ്ഞാൽ അതിനെ സംബന്ധിച്ചു് പിന്നാലോചിക്കേണ്ടതിനു് ഈ സഭയ്ക്കുതന്നെ അധികാരമുണ്ടു്. സ്റ്റാൻറിംഗ് ഓർഡർ ന്യവ–ാം വകുപ്പനുസരിച്ചു്.—

"The report of the Committee of Privileges shall be presented to the House by the Chairman or in his absence by any member of the Committee."

Rule 69 says: "As soon as may be, after the report has been presented, a motion in the name of the Chairman or any member of the Committee will be put down that the report be taken into consideration."

പ്രിവിലേജ ംകമ്മിറ്റി ഈ സഭയ്ക്കു് റിപ്പോർട്ട ചെയ്തിട്ടുള്ളതു ഇപ്പോഴത്തെ പരിതസ്ഥിതിയിൽ നടപടികൾ വേണ്ടെന്നവയ്ക്കാനാണു്. അതിനു് ഈ സഭ തയ്യാറുണ്ടോ എന്നുള്ളതു് മാത്രമാണു് സഭയ്ക്കു് ഇപ്പോൾ ആലോചിക്കേണ്ടതു്. ഇതിനെ സംബന്ധിച്ചു ഒരു നിയമം ഇല്ലാതിരിക്കുന്നിടത്തോളംകാലം ഹൗസ്ഓഫ് കാമൺസിലെ പതിവു് ഇവിടേയും തുടരാമെങ്കിലും ഇതിൽ ഉൾപ്പെട്ടിരിക്കുന്ന ആരും ഈ സഭയിലെ അംഗമല്ലെന്നുള്ള കാരണത്താൽ എന്തു നടപടിയാണു് അയാളുടെമേൽ എടുക്കുവാൻ സാധിക്കുക. മിസ്റ്റർ മൂഡ്ഗിലിനെപ്പറ്റി ഇൻഡ്യൻ പാർലിമെൻറിൽ ഉണ്ടായതു്, അദ്ദേഹത്തെ സംബന്ധിച്ചുള്ള റിപ്പോർട്ട വന്നതിനുശേഷം ഒരു പ്രമേയംമൂലം അദ്ദേഹത്തെ പാർലിമെൻറിൽനിന്നും പുറത്താക്കുവാനാണു്. എന്നാൽ അതിനുമുമ്പുതന്നെ അദ്ദേഹം രാജിവച്ചു. അതുകൊണ്ടു് അവിടെ ഒരു പ്രമേയം അവതരിപ്പിക്കേണ്ട ആവശ്യമുണ്ടായില്ല. ഇതിൽ ഉൾപ്പെട്ടിട്ടുള്ള ഒരാൾ ഈ നിയമസഭയിലെ ഒരംഗമല്ലാതിരിക്കുന്നിടത്തോളം കാലം....

Sri. D. Gnanasigamoni: May I correct the hon. Minister that the amended resolution was passed in the House of Parliament?

Sri. P. K. Krishnankutty Menon. Yes, I admit the mistake.

അതുപോലെയുള്ള പ്രമേയങ്ങൾ ഈ സഭയിൽ അവതരിപ്പിച്ചു് ഇവിടെ കുറ്റം ആരോപിക്കപ്പെട്ടിട്ടുള്ള ആളുകളുടെ പേരിൽ നടപടി എടുക്കുന്നതിനു

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സാദ്ധ്യമല്ല. ആ ഒരു കാരണംകൊണ്ടായിരിക്കണം പ്രിവിലേജ്സ് കമ്മറ്റി നടപടി വേണ്ടെന്നുവെക്കുവാൻ ശുപാർശചെയ്തത്. റിപ്പോർട്ട് പ്രിവിലേജ്സ് കമ്മറ്റിക്ക് വീണ്ടും അയച്ച് ഒരു റിപ്പോർട്ട് വരുത്തേണ്ട ആവശ്യം ഉണ്ടെന്നതോന്നുന്നില്ല. അതിനാൽ ഞാൻ ഈ പ്രമേയത്തെ എതിർക്കുന്നു.

Sri. P. S. Nataraja Pillai: Sir, my point is the Privileges Committee did not do their duty. This House has referred to them to decide whether the comments made in *the Desabhandhu* of the 9th of April 1950 under the caption 'വിമർശനവിധി, നിയമസഭയിലെ രംഗങ്ങൾ, സ്ത്രീക്കുടെ കടമ' did not constitute a breach of privilege of the House and whether the comments made in *the Vanchibhoomi* of the 17th April 1950 and reproduced in *the Bharati* of the 18th April 1950 against an hon. Member of the House did not constitute a breach of privilege. These were the questions which were referred to the Privileges Committee to decide. Have they decided, have they considered them? On the face of it they have not done these. What is stated in the report is 'regard being had to the long time that has elapsed after the publication of the articles complained of it is better to drop the whole matter'. Is not that a breach of privileges? Was there not a breach of privileges? Should they not have answered these? Should they not have considered whether it was a breach of privilege or not? I think, Sir, it is creating a bad precedent. Whether there was a breach of privilege or not was a matter which the Committee ought to have come to a conclusion upon. They shirked their responsibility. They say time has lapsed, etc. Lapse of time is another factor altogether. They should have come to definite decisions on the points raised and referred to them. They have not done this. I, therefore, think that my friend Sri. Gnanasigamoni is entitled to ask the Committee to go into the question and decide whether there has been a breach of privilege or not. On the receipt of their report whether any action should be taken on their recommendations or not is a point for this House to decide. What the Committee was called upon to do was to report on the points referred to them. They should report on the points.

The second part of their report is to the effect that there is no law on the Statute Book enabling the House or the Speaker to take action against persons guilty of contempt of the House. I should submit that the primary duty of the Committee was to answer specifically the two points referred to them and they have failed to do so and I think I am entitled to ask this House to refer these points back to the Committee so that they may consider these points and decide on them specifically.

Sri. P. K. Krishnankutty Menon: I would like to clarify the position.

റൂൾ 17 അനുസരിച്ച് ഈ സഭയെ സംബന്ധിച്ചിടത്തോളം പ്രിവിലേജസ് കമ്മറ്റിക്ക് അവക്കുതോന്നുന്ന ശുപാർശയും സമർപ്പിക്കേണ്ട കാര്യമേയുള്ളൂ. ഈ റൂളിൽ അവർ ചെയ്യേണ്ട പല ജോലികളെ സംബന്ധിച്ചും പറഞ്ഞിട്ടുണ്ട്. റൂളിൽ ഇപ്രകാരം പറയുന്നു.

"The Comittee shall examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved and if so the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit."

അവരുടെ ശുപാർശകൾ ഈ സഭയിൽ സമർപ്പിക്കുന്നതിനു മുമ്പു അവർ ചെയ്യേണ്ട പല ജോലികളും ഉണ്ട്. അവർ അതു ചെയ്തിട്ടുണ്ടോ എന്നു പരിശോധിക്കേണ്ട ആവശ്യം ഈ സഭയ്ക്ക് ഉണ്ടെന്നു തോന്നുന്നില്ല. അവർ ചെയ്തിട്ടുള്ള ശുപാർശയെ സംബന്ധിച്ചുമാത്രം പരിശോധിച്ചാൽ മതിയാകുമെന്നാണ്

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എനിക്കു തോന്നുന്നതു്. ഇതിനെസംബന്ധിച്ചു് മെയ്സ് പാർലമെൻറി പ്രാക്ടീസു് പേജ് (139) വരുത്തു് കാണുന്നതു്.—

"In some instances the House has contented itself with adjudging the paper complaint of a libel, without taking any further action."

Sri. D. Gnanasigamoni: But here the questions referred to the Committee have not been answered.

Sri. P. S. Nataraja Pillai: The Committee is to examine, determine and to recommend. They have not given their decisions.

ശ്രീ. കെ. എ. മാത്യു: ബ്രീച്ചു് ഓഫ് പ്രിവിലേജു് ഉണ്ടോ എന്നു കമ്മിറ്റി പരിശോധിക്കേണ്ടതുണ്ടു്?

ശ്രീ. പി. കെ. കുഞ്ഞൻകുട്ടിമേനോൻ: ഹൗസ് അനുസരിച്ചു ചെയ്യണമെന്നു പറഞ്ഞിട്ടുള്ളതെല്ലാം കമ്മിറ്റി ചെയ്തിട്ടുണ്ടോ എന്നു റിപ്പോർട്ടുകൊണ്ടു കാണുന്നില്ല. അവരുടെ ഉപാധി മാത്രമാണു് സഭയിൽ അവതരിപ്പിച്ചിട്ടുള്ളതു്.

Mr. Speaker: This is a matter involving the privilege of the House and I think it is better to enlighten the House with regard to the exact legal position. On page 136 of May's Parliamentary Practice what is stated is:

"The report of a committee on a matter of privilege may be taken into consideration in pursuance either of an order made upon a previous day or of a motion that the report be now read or be now taken into consideration".

It is that motion that is before the House.

"A motion that the report of a committee on a matter of privilege be now taken into consideration or a substantive motion expressing the agreement or disagreement of the House with the report will be accorded the priority assigned to a matter of privilege unless there has been undue delay in bringing it forward.

"If the Committee reports that no breach of the privileges of the House has been committed, no further proceedings are usually taken in reference to the report".

"In two instances however, where the Committee of privileges reported that no breach of the privileges of the House had been committed, the House resolved that it agreed with the Committee in their report.

"When the Committee recommended that in view of the explanation offered by the offender, and of his expression of regret for the offence he had committed, the House should take no further action in the matter or that the conduct complained of was not such a breach of privileges of the House as called for any further action on its part or that in the opinion of the Committee the House would best consult its own dignity by taking no further notice of the libel, further action was not taken by the House".

I may say that there are no specific findings in the Committee report with regard to the points referred to the Committee and it is, therefore, for the House to consider whether the matter has again to go to the Committee for specific findings or to take any other decision as the House deems fit.

Sri. P. K. Krishnankutty Menon: Sir, If any finding is required by the Committee I have no objection to recommit the report to the Committee. But what I say is that no useful purpose will be served by recommitting this in the circumstances mentioned in the report of the Committee.

The motion that the report of the Committee of Privileges be recommitted, was put and carried.

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Announcement Regarding the nomination of Sri. L. M. Pylee to the Previleges Committee

മിസ്റ്റർ സ്പീക്കർ: പ്രിവിലേജസ് കമ്മിറ്റിയിൽ ഒരംഗവും ആ കമ്മറ്റിയുടെ അദ്ധ്യക്ഷനും ആയിരുന്ന ശ്രീ. പനമ്പിള്ളി ഗോവിന്ദമേനോൻ തന്റെ നിയമസഭാംഗത്വം രാജിവച്ചതിനാൽ ടി കമ്മറ്റിൽ ഉണ്ടായിട്ടുള്ള ഒഴിവിൽ ബഹു. ശ്രീ. എൽ. എം. പൈലിയെ പ്രിവിലേജസ് കമ്മറ്റിയിലെ ഒരംഗമായും ആ കമ്മറ്റിയുടെ അദ്ധ്യക്ഷനായും നിയമിച്ചിരിക്കുന്നു.

The Assembly adjourned at 4 p. m. to meet again at 11 a. m., on Saturday, the 29th September 1951.

V. KRISHNAMOORTHI,

Secretary, Legislative Assembly.

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